

**FILED**

JUN 29 2006

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KEVIN V. RYAN (CASBN 118321)  
United States Attorney

MARK L. KROTOSKI (CASBN 138549)  
Chief, Criminal Division

ROBERT DAVID REES (CASBN 229441)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7210  
Fax: (415) 436-7234  
Email: robert.rees@usdoj.gov

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3 05 70551
Plaintiff,	)	
v.	)	<del>PROPOSED</del> ORDER AND
ANTHONY TRAVIS,	)	STIPULATION FOR CONTINUANCE
Defendant.	)	FROM JUNE 29, 2006 TO JUNE 30, 2006
	)	AND EXCLUDING TIME FROM THE
	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(8)(A)) AND
	)	WAIVING TIME LIMITS UNDER RULE
	)	5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment and change of plea for June 30, 2006 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from June 29, 2006 to June 30, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on his own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

1 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for  
2 preliminary hearing.

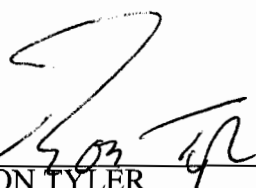
3 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
4 client's best interest, and that it is not in his client's interest for the United States to indict the  
5 case during the normal 20-day timeline established in Rule 5.1.

6 5. The Court finds that, taking into the account the public interest in the prompt  
7 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
8 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
9 the Court finds that the ends of justice served by excluding the period from June 29, 2006 to June  
10 30, 2006 outweigh the best interest of the public and the defendant in a speedy trial. §  
11 3161(h)(8)(A).

12 6. Accordingly, and with the consent of the defendant, the Court (1) sets an arraignment  
13 and change of plea date before the duty magistrate judge on June 30, 2006 at 9:30A.M., and (2)  
14 orders that the period from June 29, 2006 to June 30, 2006 be excluded from the time period for  
15 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act  
16 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

17  
18 IT IS SO STIPULATED:

19  
20 DATED: June 28, 2006

  
\_\_\_\_\_  
RON TYLER  
Attorney for Defendant

21  
22  
23 DATED: June 28, 2006

  
\_\_\_\_\_  
ROBERT DAVID REES  
Assistant United States Attorney

24  
25  
26 IT IS SO ORDERED.

27  
28 DATED: 6/29/06

  
\_\_\_\_\_  
HON. NANDOR J. VADAS  
United States Magistrate Judge